

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JENNETT GRIFFITH,)	
)	Civil Action No. 08 - 1239
Petitioner,)	
)	District Judge Arthur J. Schwab
v.)	
)	
SUPERINTENDENT MARIROSO LAMAS;)	
THE DISTRICT ATTORNEY OF THE)	
COUNTY OF ALLEGHENY; and THE)	
ATTORNEY GENERAL OF THE)	
COMMONWEALTH OF PENNSYLVANIA,)	
)	
Respondents.)	

MEMORANDUM ORDER

On May 2, 2008, the above captioned case was initiated by the filing of a Motion to Proceed In Forma Pauperis accompanied by a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on October 24, 2008, 2008 (doc. no. 6) recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely. On November 10, 2008, Petitioner filed Objections to the Report and Recommendation (doc. no. 7). Petitioner's objections do not undermine the recommendation of the Magistrate Judge. Specifically, Petitioner's one-year limitation period ended on October 10, 2006. The Petition she filed in this Court on September 7, 2007 at Civil Action No. 07-1068 also was untimely.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 14th day of November, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** as untimely.

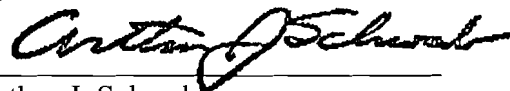
IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 6) of Magistrate Judge Lenihan dated October 24, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Arthur J. Schwab
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Jennett Griffith
OE4954
SCI Muncy
PO Box 180
Muncy, PA 17756